

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:14-CV-8**

CHRISTOPHER S. WASHBURN,)	
)	
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
CITY OF HICKORY,)	
)	
Defendant.)	
_____)	

On January 21, 2014, Christopher S. Washburn (“Plaintiff”) instituted the instant action against the City of Hickory alleging employment discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended.

On September 17, 2014, the Clerk issued a Notice of Lack of Prosecution indicating that proof of service had not been filed. Pertinently, the notice cited Rule 4(m) which states that:

If service of summons and complaint is not made upon a defendant within 120 days after filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for failure the court shall extend the time for service for an appropriate period.

Plaintiff has received adequate notice of his failure to comply with Rule 4(m). Plaintiff has not responded to Notice or otherwise filed proof of service.

IT IS, THEREFORE, ORDERED THAT PLAINTIFF’S COMPLAINT BE DISMISSED WITHOUT PREJUDICE.

Signed: February 5, 2015



Richard L. Voorhees
United States District Judge

